

EXHIBIT B



**Homeland
Security**

Privacy Office, Mail Stop 0655

January 31, 2019

Email Sent Via To: dcohen2@milbank.com

David Sherman Cohen
1850 K St. NW
Suite 1100
Washington, DC 20006

Re: 2019-HQFO-00332

Dear Mr. Cohen:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), Privacy Office, dated December 28, 2018, and received in this office on January 31, 2019. You requested documents regarding: 1. All policy Memoranda and Guidance relating to USCIS' policies and practices for referring cases and issuing NTA's in cases involving inadmissible and deportable aliens from 2000 to the present; 2. All records related to what criteria USCIS will apply in deciding whether to issue NTA's to individuals whose applications for humanitarian-based visas have been denied, including for U (victims of serious crimes), T (human trafficking), VAWA (for victims of domestic violence), and Special Immigrant Juvenile Status applicants; 3. All records related to what criteria USCIS will apply in deciding whether to issue NTAs to individuals whose applications for family-based visas have been denied, including 1-485 applicants; 4. All records related to the implementation of any NTA Policy Memoranda or Guidance, including without limitation, documents concerning or reflecting communications regarding the New NTA Policy; 5. All records distributed to the USCIS Field Offices and Processing Centers to train immigration officers and applicant adjudicators regarding the New NTA Policy; 6. All records discussing and relied upon by USCIS for the justification of the New NTA Policy, including how it will enhance public safety, national security and integrity of the immigration system; 7. All records discussing or relied upon in assessing whether or not the New NTA Policy would create a deterrent effect or "chilling effect" on individuals seeking immigration benefits; 8. All records relating to how USCIS and/or ICE officers will apply prosecutorial discretion to individuals subject to the New NTA Policy, including training materials for immigration officers, or any other personnel tasked with adjudicating USCIS applications; 9. All records reflecting any changes or updates made to any agency manual or administrative guidance after the issuance of the New NTA Policy, including but not limited to the USCIS Policy Manual; 10. All records, including internal and external memoranda that discuss the Congressional intent underlying VAWA, U and T visas, and the legality of applying the new NTA policy to VAWA, U and T visas; 11. All records, including

memoranda or other writing, discussing the decision to not apply the new NTA policy to certain categories of non-citizens, e.g., Temporary Protected Status, Deferred Action for Childhood Arrivals (DACA) recipients, employment-based petitions, etc.; 12. All records, including memoranda or other writing, regarding the application or decision to not apply the New NTA Policy to applications for employment-based application; 13. All records, including memoranda or other writing created by USCIS, discussing the October 1, 2018 implementation date of the New NTA Policy for 1-485 and 1-539 applications; 14. All records, including memoranda or other writing created by USCIS, discussing the November 17, 2018 implementation date of the New NTA Policy based on denials of Forms I-914/I-914A, Applications for T Nonimmigrant Status; I-918/I-918 Petitions for U Nonimmigrant Status; I-360 Petition for Amerasian, Widow(er), or Special Immigrant (Violence Against Women Act self-petitions and Special Immigrant Juvenile petitions); Form I-929, Petition for Qualifying Family Member of a U-1 Nonimmigrant; I-730 Refugee/Asylee Relative Petitions; and I-485 Applications to Register Permanent Residence or Adjustment of Status with these underlying form types; 15. All records, including memoranda or other writing created by USCIS, discussing the legality of the New NTA Policy etc.;

Due to the subject matter of your request, I am transferring this request to the USCIS FOIA Office. Their contact information is below:

United States Citizenship & Immigration Services

National Records Center, FOIA Office

P. O. Box 648010

Lee's Summit, MO. 64064-8010

FOIA Officer/Public Liaison: Jill Eggleston

Phone: 1-800-375-5283 (USCIS National Customer Service Unit)

Fax: 816-350-5785

E-mail: uscis.foia@uscis.dhs.gov

If you need to contact our office again about this matter, please refer to **2019-HQFO-00332**. You may contact this office at 1-866-431-0486 or 202-343-1743.

Sincerely,

A handwritten signature in dark ink, appearing to read "Beau George". The signature is written in a cursive, slightly slanted style.

FOIA Program Specialist

From: <foia@hq.dhs.gov>

Date: January 31, 2019 at 8:16:16 AM PST

To: <dcohen2@milbank.com>

Subject: Department of Homeland Security FOIA 2019-HQFO-00332 Final Response

Good Morning,

Attached is our final response to your request. If you need to contact this office again concerning your request, please provide the DHS reference number. This will enable us to quickly retrieve the information you are seeking and reduce our response time. This office can be reached at 866-431-0486.

Regards,

DHS Privacy Office
Disclosure & FOIA Program
STOP 0655
Department of Homeland Security
245 Murray Drive, SW
Washington, DC 20528-0655
Telephone: 1-866-431-0486 or 202-343-1743
Fax: 202-343-4011
Visit our [FOIA website](#)